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3 Eastern District of Washington
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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDREI STEPHANOVICH
16 BORGHERIU,

17 Defendant.

Case No.: 4:22-CR-6040-SAB

FIRST AMENDED EVIDENTIARY
AND FACTUAL STIPULATIONS

18 IT IS HEREBY STIPULATED AND AGREED between the United States and
19 the Defendant, ANDREI STEPHANOVICH BORGHERIU, that the following records
20 listed by exhibit number below are true and correct copies of records of regularly
21 conducted activity and that, if called to testify, the custodian of records from the
22 business or organization listed below, or its successors in interest, would establish that
23 the records were:

24 (A) Made at or near the time by—or from information transmitted by—
25 someone with knowledge;

26 (B) Kept in the course of regularly conducted activity of the business or
27 organization; and
28

(C) Making the records was a regular practice of the activity of the business or organization.

The parties stipulate and agree that all of the following exhibits, and the content therein, fall within an exception to the rule against hearsay under Federal Rules of Evidence 803(6), records of regularly conducted activity, and are authentic under Federal Rule of Evidence 901. The documents referred to above are:

Business or Organization - U.S. Small Business Administration		
Ex. No.	Description	Bates Numbers
Gov't 1	Rapid Finance Application Details	90000001–1.11
Gov't 2	Rapid Intake Form Data Lookup	90000004–4.05
Gov't 3	Driver's License	90000029
Gov't 4	Business License	90000027
Gov't 6	SBA Emails	90000013, 90000008, 90000018, 90000009, 90000017, 90000019, 90000012, 90000014, 90000015, 90000016, 90000011
Gov't 7	Loan Authorization and Agreement	90000025–25.24
Gov't 8	DocuSign Certificate of Completion	90000007
Business or Organization – Bank of America		
Ex. No.	Description	Bates Numbers
Gov't 9	Signature Card	50000013
Gov't 10	August 2021 Statement	50000014.027–14.036
Gov't 11	September 2021 Statement	50000014.037–14.046
Gov't 12	October 2021 Statement	50000014.047–14.056
Business or Organization – Tigor Title		
Ex. No.	Description	Bates Numbers
Gov't 15	Residential Purchase and Sales Agreement	50000018.109–18.117
Gov't 16	Tigor Title Emails	50000019–19.14
Gov't 17	Order Sheet	50000018.232–18.237
Gov't 18	Closing Escrow Instructions	50000018.040–18.044
Gov't 19	Schedule A	50000018.078
Gov't 20	Final Master Statement	50000018.002
Gov't 21	Wiring Information	50000018.096
Gov't 22	Incoming Wire Receipt	50000018.007

1	Gov't 23	\$1.00 Check	50000018.005
2	Gov't 24	Statutory Warrant Deed	50000018.051-18.052
3	Gov't 25	Quit Claim Deed	50000018.037
4	Gov't 26	Home Inspection Report	10000083-83.25
5	Business or Organization – Internal Revenue Service		
6	Ex. No.	Description	Bates Numbers
7	Gov't 30	1040 Tax Return 2018	700000003-3.034
8	Gov't 31	1040 Tax Return 2019	700000003.035-3.053
9	Gov't 32	1040 Tax Return 2020	700000003.054-3.072
10	Gov't 33	1040 Tax Return 2021	700000003.073-3.098
11	Gov't 34	1040 Tax Return 2022	700000003.099-3.122
12	Def. 214	Employer Identification Number	FD_00000068-69
13	Business or Organization – Federal Reserve Bank of New York		
14	Ex. No.	Description	Bates Numbers
15	Gov't 35	Fedwire Funds Message	50000021.04
16	Business or Organization – Washington State Department of Revenue		
17	Ex. No.	Description	Bates Numbers
18	Def. 210	2022 Business License	FD_00000062
19	Business or Organization – Washington State Secretary of State		
20	Ex. No.	Description	Bates Numbers
21	Def. 220	Secretary of State Amended Annual Report 2018	FD_00000200-202
22	Def. 221	Secretary of State Annual Report 2019	FD_00000203-205
23	Def. 222	Secretary of State Annual Report 2020	FD_00000206-208
24	Def. 223	Secretary of State Express Annual Report with Changes 2021	FD_00000209-211
25	Def. 224	Secretary of State Express Annual Report with Changes 2022	FD_00000212-14
26	Def. 225	Secretary of State Annual Report 2023	FD_00000215-217
27	Def. 226	Secretary of State Express Annual Report with Changes 2024	FD_00000218-220
28	Def. 219	Secretary of State Certificate of Formation	FD_00000221
	Business or Organization – U.S. Department of Transportation		
	Ex. No.	Description	Bates Numbers
	Def. 211	Transportation Certificate	FD_00000063
	(page 1)		

This stipulation establishes the foundational authenticity and hearsay exception of the identified exhibits. The parties expressly reserve the right to object to the admission of these exhibits on any other grounds, including relevance.

1 Additionally, between the United States and the Defendant, ANDREI
2 STEPHANOVICH BORGHIERU, HEREBY STIPULATED AND AGREE to the
3 following facts, which will be admissible at trial:

- 4 • For purposes of Count 1, the EFT Payment from the U.S. Small Business
5 Administration to Artway Transport LLC's Bank of America Account
6 ending in 2612 in Kennewick, Washington, in the amount of \$499,900.00
7 for EIDL No. 1397459103 constitutes an interstate wire communication.
- 8 • For purposes of Count 2, the wire transfer from Artway Transport LLC's
9 Bank of America Account ending in 2612 in Kennewick, Washington, to
10 Ticor Title's bank account ending in 5226 with US Bank in Westminster,
11 California, constitutes an interstate wire communication.

12 AGREED TO AND PRESENTED THIS 7TH DAY OF FEBRUARY, 2025, BY:

13 Vanessa R. Waldref
14 United States Attorney

15 /s/ Jeremy J. Kelley
16 Jeremy J. Kelley
17 Frieda K. Zimmerman
18 Assistant United States Attorneys

/s/ Justin Lonergan
Justin Lonergan
Nick Mirr
Counsel for Defendant

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on February 7, 2025, I electronically filed the foregoing
21 with the Clerk of the Court using the CM/ECF System which will notify counsel for
22 Defendant, Justin Lonergan.

23
24 s/ Jeremy J. Kelley
25 Jeremy J. Kelley
26 Assistant United States Attorney
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